IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.09.2006

CORAM

THE HON'BLE MR. JUSTICE P. JYOTHIMANI

W.P.No.35949 to 35952/2006 & M.P.Nos.1 to 1/2006

R.Jeyaraman .. Petitioner in all WPs.

vs

1.The District Revenue Officer (Stamps)
Office of District Collector, Chennai
5th Floor, Singaravelar Maaligai,
No.32, Rajaji Salai, Chennai 600 001.

2.The Sub-Registrar,
Pammal, Tambaram Taluk. .. Respondents in all WPs.

Petitions filed under Article 226 of the Constitution of India, praying this Court for the issue of a Writ of mandamus directing the 1st respondent to pass orders on the petitioner's written representations dated 17.12.2004, 7.9.2006, 30.8.2006, 07.09.2006, 15.02.2006, 07.09.2006, and 15.02.2006 and 07.09.2006 respectively on merits and in the light of the Hon'ble Supreme Court order made in civil appeal No.6742/2001 dated 25.09.2001 (Tamil Nadu Building Material Manufactures Association -Vs- State of Tamil Nadu).

For Petitioner ... Mr.P.Arivudainambi
For Respondents ... Mr.S.Rajasekar, GA

ORDER

The writ petitions are filed against the 1st respondent to pass orders on the petitioner's representations dated 17.12.2004,07.09.2006,30.8.2006,07.09.2006,15.02.2006,07.09.2006,15.02.2006 and 07.09.2006 on merits in the light of Hon'ble Supreme Court order in Civil Appeal No.6742/2001 dated 25.09.2001 in Tamil Nadu Building Material Manufactures Association -Vs- State of Tamil Nadu. As the issue in these writ petitions are rightly covered by the earlier judgment, the writ petitions are disposed of after hearing the learned counsel for the petitioner as well as the learned Government Advocate taking notice on behalf of the respondents.

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2. The petitioner has presented the documents for registration bearing Survey Nos.197/3,257/2, 254 and 246 on 08.11.2004, 06.06.2005, 30.11.2005 and 30.11.2005 before the Sub-Registrar, Pammal. The said documents is vested with the 1st respondent pursuant to the enquiry under section 47-A of the Act. Under similar circumstances, this Court has given the following direction:

> "1. It is open to the Registering Authority to affix a seal, while releasing the original deed or conveyance or any other document indicating that a reference is pending under section 47-A with respect under-valuation and assessment of stamp duty payable, as and when the proceedings reach finality, the same shall be intimated to the person who is liable to pay stamp duty demanding payment of deficit stamp duty payable on the instrument.
>
> 2.The Registrar to make corresponding entries under sections 54, 55 of the Registration Act 1908, in the Register of indexes as to pendency of proceedings under Section 47-A.
>
> 3.On completion of adjudication as to the under-valuation by the competent authority as well as appeal or revision, if any, thereof, and depending upon the ultimate decision, the said authorities to recover deficit stamp duty according to law.
>
> 4.Till such proceeding reaches finality and deficit is paid, there will be a charge for the deficit stamp duty, which is the subject matter of transfer or conveyance.
>
> 5.On payment of deficit stamp duty, if any, payable, the Registrar may once again, on production of the original deed of transfer, make appropriate entry and recording the additional stamp duty paid and release of charge and also make consequential entries in the registers/indexes maintained under sections 54, 55 etc., of The Registration Act."

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3.Considering the relief sought for in these writ petitions, there will be a similar direction and the respondents are directed to comply with the same within a period of four weeks from the date of receipt of a copy of this order.

4.With the above directions, the writ petitions are ordered. No costs. Consequently, connected M.Ps are closed.

ap

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The District Revenue Officer (Stamps)
Office of District Collector, Chennai
5th Floor, Singaravelar Maaligai,
No.32, Rajaji Salai, Chennai 600 001.

2.The Sub-Registrar,
Pammal, Tambaram Taluk.

+ 2 ccs to Mr. P. Arivudainambi, Advocate sr no. 45421
+ one cc to Government Pleader sr no. 45299

KSJ(CO)
NM(10.10.2006)

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